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14 ALAMEDA PUBLIC FINANCING AUTHORITY, and

15 ALAMEDA PUBLIC IMPROVEMENT CORPORATION

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19  
20 IN RE NUVEEN FUNDS/CITY OF  
21 ALAMEDA SECURITIES LITIGATION

No. C 08-04575 SI

22 **STIPULATION AND ~~[PROPOSED]~~**  
23 **ORDER RE JUDGMENT, EXECUTION**  
24 **AND BOND**  
25  
26  
27  
28

WHEREAS, in an order filed May 18, 2012, the Court taxed costs in favor of defendants the City of Alameda, Alameda Power & Telecom, Alameda Public Financing Authority, and Alameda Public Improvement Corporation (collectively, "Alameda") against plaintiffs Nuveen Municipal High Income Opportunity Fund, the Nuveen Municipal Trust, Nuveen Asset Management, Inc., and Pacific Specialty Insurance Company (collectively, "Nuveen") and the Bernard Osher Trust Dated 3/8/88, Bernard A Osher, Trustee, jointly and severally, in the amount of \$91,516.20,

WHEREAS, Nuveen has appealed the Court's 2011 Judgment granting summary judgment in favor of Alameda and Alameda has appealed the Court's 2011 denial of certain fees and costs.

NOW THEREFORE, it is hereby stipulated that:

1. Alameda and Nuveen stipulate that the proposed judgment attached as Exhibit A is acceptable as to form, without prejudice to either Alameda's or Nuveen's right to pursue the appeals that they have noticed and begun to brief.
2. Alameda will not attempt to execute a judgment for costs or other award of costs against Nuveen relating to this matter without providing Nuveen at least forty-five days notice.
3. Nothing in this stipulation shall restrict or modify in any way Alameda's rights as against Bernard Osher and/or Osher's trusts or related entities, including but not limited to Alameda's right to enforce judgments or other awards of costs against Osher.
4. Nuveen's motion for approval of security (Docket 292) shall be taken off calendar.

DATED: June 21, 2012

WULFSBERG REESE COLVIG & FIRSTMAN  
PROFESSIONAL CORPORATION

By /s/ Richard E. Elder  
RICHARD E. Elder

Attorneys for defendants  
CITY OF ALAMEDA, *et al.*

1 DATED: June 21, 2012

DAVIS & CERIANI, P.C.


2  
3 By /s/ Melissa Hessler

MICHAEL P. CILLO  
MELISSA J. HESSLER

4  
5 Attorneys for Defendants and Counterclaimants  
6 NUVEEN MUNICIPAL HIGH INCOME  
OPPORTUNITY FUND, et al.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 DATED: 6/26/12

  
The Hon. Susan Ilston  
United States District Judge

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# **Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NUVEEN MUNICIPAL HIGH INCOME  
OPPORTUNITY FUND, *et al.*,

No. C 08-4575 SI  
C 09-1437 SI

Plaintiffs,

**JUDGMENT FOR COSTS**

v.

CITY OF ALAMEDA, *et al.*,

Defendants.

In an order filed May 18, 2012, the Court taxed costs in favor of defendants the City of Alameda, Alameda Power & Telecom, Alameda Public Financing Authority, and Alameda Public Improvement Corporation (“defendants”) against plaintiffs Nuveen Municipal High Income Opportunity Fund, the Nuveen Municipal Trust, Nuveen Asset Management, Inc., Pacific Specialty Insurance Company and the Bernard Osher Trust Dated 3/8/88, Bernard A Osher, Trustee (“plaintiffs”), jointly and severally, in the amount of \$91,516.20.

Accordingly, judgment is entered against plaintiffs jointly and severally and in favor of defendants in the amount of \$91,516.20.

**IT IS SO ORDERED AND ADJUDGED.**

Dated: June \_\_, 2012

SUSAN ILLSTON  
United States District Judge